Supreme Court, U.S.
FILED
OCT 14 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. 86-380

In The

Supreme Court of the United States

October Term, 1986

MICHIGAN BEER & WINE
WHOLESALERS ASSOCIATION,
a Michigan non-profit corporation,

Petitioners,

vs.

ATTORNEY GENERAL OF MICHIGAN
and MICHIGAN LIQUOR CONTROL COMMISSION,

Respondents.

PETITIONER'S REPLY

PHILIP A. GILLIS (P14002)
Counsel of Record
20480 Vernier Road
Harper Woods, Michigan 48225
(313) 882-1117

Attorney for Petitioners

Interstate Brief & Record Co., Suite 731, David Whitney Building, Detroit, MI 48226
(313) 962-8745

No. 86-380

In The

Supreme Court of the United States

October Term, 1986

MICHIGAN BEER & WINE
WHOLESALERS ASSOCIATION,
a Michigan non-profit corporation,

Petitioners,

vs.

ATTORNEY GENERAL OF MICHIGAN
and MICHIGAN LIQUOR CONTROL COMMISSION,

Respondents.

PETITIONER'S REPLY

I

Respondent points to part III of the lower court opinion[1] as an independent state ground for decision. This misreads the opinion, the thrust of which was that police power does not permit "***a state***" to violate personal freedoms protected by state and federal constitutions.[2]

---

[1] Appendix, page C-20.

[2] The lower court did not specify a Michigan constitutional provision upon which it relied. The two Michigan cases which it cited — hardly in point — relied upon the Due Process Clause of Amendment XIV and the comparable Michigan constitutional provision.

II

Respondent claims that the regulations upheld in *Queensgate*[3] were less restrictive than those of Michigan. The jurisdictional statement in *Queensgate* refutes this error.

> Whether regulation 4301:1-1-44 of the Ohio Liquor Control Commission, which prohibits a duly licensed retail liquor permit holder from advertising the price of alcoholic beverages in any medium visible from outside the premises, violates the First and Fourteenth Amendments of the Constitution of the United States by suppressing the public dissemination of truthful information about a lawful activity.[4]

Respectfully submitted,

By: /s/ PHILIP A. GILLIS (P14002)
Counsel of Record
20480 Vernier Road
Harper Woods, Michigan 48225
(313) 882-1117

Attorney for Petitioners

Dated: October 10, 1986

---

[3] *Queensgate Investment Company* v *Liquor Control Commission*, 459 US 807, *dismissing appeal from* 69 Ohio St 2d 361; 433 NE2d 138.

[4] As quoted in *Oklahoma Telecasters Association* v *Crisp*, 699 F2d 490, 496-497 (CA 10 1983).